

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

Case No. 10-20110
Hon: AVERN COHN

EDUARDO GAMEZ-SOTO,

Defendant.

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ORDER DENYING THIRD
MOTION FOR DISCOVERY - WIRETAP EVIDENCE

This is a criminal case. Defendant is charged with (1) Conspiracy to Possess With Intent to Distribute and to Distribute Cocaine; and (2) Possession With Intent to Distribute Cocaine.

Initially in a Discovery Notice (Doc. 9), the government advised defendant that it may introduce evidence obtained through wiretaps, identifying the wiretaps as:

<u>Docket Number</u>	<u>Date</u>
09US60088C (wiretap C)	01/06/2010
09US60088F (wiretap F)	01/15/2010

The authorizations were signed by different judges and related to different telephone numbers.

The government provided defendant with relevant discovery information regarding wiretap F, but not wiretap C. The government, when pressed by defendant for discovery information regarding wiretap C, notified defendant that it would not be using discovery information regarding wiretap C, and that wiretap C was not an extension of wiretap F, and

therefore defendant was not entitled to discovery information regarding wiretap C.

Defendant argues that wiretap F is an extension of wiretap C, and therefore he is entitled to discovery information regarding wiretap C.

As described in the government's response (Doc. 29) to defendant's motion (Doc. 26), wiretap F is not an extension of wiretap C, and the affidavit in support of wiretap F is complete in itself, and particularly regarding other investigative measures.

In light of the withdrawal of the Discovery Notice relating to wiretap C, the fact that wiretap C is not an extension of wiretap F, and the government's representation that information obtained through wiretap C will not be introduced at trial, defendant's motion (Doc. 26) is DENIED.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: November 5, 2010

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, November 5, 2010, by electronic and/or ordinary mail.

S/Julie Owens
Case Manager, (313) 234-5160